

Exhibit 1

United States of America ex rel. Ven-A-Care of the Florida Keys, Inc., et al.
v. Dey, Inc., et al., Civil Action No. 05-11084-PBS

**Exhibit to the August 28, 2009 Declaration of Sarah L. Reid
In Support of Defendants' Common Opposition to Plaintiffs'
Motion for Partial Summary Judgment**

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 -----X

4 IN RE: PHARMACEUTICAL) MDL NO. 1456

5 INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION:

6 PRICE LITIGATION) 01-CV-12257-PBS

7 -----X Judge Patti B. Saris

8 U.S. ex re. Ven-A-Care of)

9 the Florida Keys, Inc., v.)

10 Abbott Laboratories, Inc.,)

11 et al. No. 06-CV-11337-PBS)

12 -----X

13 VIDEOTAPED DEPOSITION OF ADMINASTAR FEDERAL

14 by CHERYL EILER

15 The videotaped deposition of ADMINASTAR FEDERAL by
16 CHERYL EILER, produced and sworn before me, Aprille
17 Lucas, RPR, Notary Public in and for the County of
18 Hamilton, State of Indiana, taken on behalf of the
19 Defendant Dey at the offices of National Government
20 Services, 8115 Knue Road, Indianapolis, Indiana, on
21 August 26, 2008, at 1:02 p.m., pursuant to the
22 Federal Rules of Civil Procedure.

1 A. We got them monthly, and then we would
2 get the annual.

3 Q. At that time in '93 you would get both?

4 A. Yes.

5 Q. Now, why did you use the RedBook?

6 A. That's our instructions that was given
7 to us by CMS.

8 Q. Were those written instructions, or did
9 someone tell you verbally?

10 A. They were written instructions.

11 Q. What were they written in?

12 A. In a change request in a transmittal
13 that explained how to calculate.

14 Q. So you received a change request from
15 HCFA that said, use the RedBook to get your
16 AWPs?

17 A. As one of our sources, yes.

18 Q. As one of your sources?

19 A. As our source.

20 Q. Did it provide any other sources to get
21 it?

22 A. At that time you had First DataBank was

1 another and the Orange Book.

2 Q. Did it say you could use those sources
3 as well?

4 A. Yes.

5 Q. Did you have use those sources to price
6 the drugs?

7 A. No, because we were just getting the
8 RedBook, and they said the RedBook was the same
9 fees as the others, so, in AWP's.

10 Q. So CMS said the RedBook is the same as
11 FDB, or First DataBank, and the Orange Book, so
12 you only need to use the RedBook?

13 A. CMS didn't say that. That was the
14 people that I asked if I needed to get those
15 sources here, as far as my counterparts at the
16 other contracts and that, so.

17 Q. So you would ask other DMERCs at the
18 time --

19 A. Yes.

20 Q. -- if you would ever have to use the
21 Orange Book or FDB?

22 A. Yes.

1 Q. And they said don't worry about it,
2 because it's the same?

3 A. We got the Orange Book and the First
4 DataBase, but the First DataBase discontinued its
5 publications. So while we could get it, we got
6 it, but it was the same as the RedBook, as far as
7 the information.

8 Q. And when was it discontinued? Do you
9 know?

10 A. I don't recall. It was shortly after I
11 took over, so.

12 Q. So whatever RedBook publication you
13 could use -- I'm sorry, whatever First DataBank
14 publication you could use was discontinued?

15 A. Yes.

16 Q. And then the Orange Book --

17 A. We didn't use that at all, because we
18 weren't told to use that.

19 Q. Did you have access to that?

20 A. No.

21 Q. But you did have access to First
22 DataBank for a short period of time?

1 A. Yes.

2 Q. And that was a database -- was it a
3 print publication or --

4 A. It was a print. I want to say it was
5 called First DataBase. They called it the
6 BlueBook.

7 Q. So there was a BlueBook and the Orange
8 Book?

9 A. Yes, BlueBook, and the RedBook, and the
10 Orange Book, all the colors.

11 Q. And to your recollection, they stopped
12 making the BlueBook?

13 A. Yes.

14 Q. Shortly after you took over as a DMERC?

15 A. Yes.

16 Q. Now, other than the RedBook or the
17 BlueBook or the Orange Book, were there any other
18 sources that you could consider?

19 A. I would -- if I needed to question, you
20 know, the product as far as the dosage and that,
21 I would use the PDR book to, you know, just look
22 it up. But as far as for fees, the RedBook was